

United States District Court
for the
Southern District of New York
Related Case Statement

Full Caption of Later Filed Case:

In the Matter of the Petition of Dalia
Genger, as Trustee of The Orly Genger
1993 Trust Established on Dec. 13, 1993
by Arie Genger, grantor.

Dalia Genger, trustee of the Orly Genger 1993 Trust,

Petitioner,

vs.

Orly Genger, Arie Genger, Glenclova Investment
Company, TR Investors, LLC, New TR Equity I, LLC,
New TR Equity II, LLC, Trans-Resources, Inc., Arnold
Broser, David Broser, John Does 1-20, and Jane
Does 1-20

Case Number

19-cv-9365

Respondents.

Full Caption of Earlier Filed Case:

(including in bankruptcy appeals the relevant adversary proceeding)

In the Matter of the Application of ORLY GENDER
to Remove Dalia Genger as Trustee of the
Orly Genger 1993 Trust Established on Dec. 13,
1993 by Arie Genger, grantor.

Orly Genger, beneficiary of The Orly Genger 1993
Trust,

Petitioner,

vs.

Dalia Genger, as trustee of The Orly
Genger 1993 Trust, and The Sagi Genger
1993 Trust

Case Number

19-cv-9319

Respondents.

Status of Earlier Filed Case:

☐

Closed

(If so, set forth the procedure which resulted in closure, e.g., voluntary dismissal, settlement, court decision. Also, state whether there is an appeal pending.)

☒

Open

(If so, set forth procedural status and summarize any court rulings.)

Related case removed from the NY County Surrogate's Court to this District yesterday, October 8, 2019. With respect to both that case and this case, which was also removed from the NY County Surrogate's Court, motions to transfer will be made to transfer these related cases to the Western District of Texas, where the related bankruptcy is pending.

Explain in detail the reasons for your position that the newly filed case is related to the earlier filed case.

As a result of the recent bankruptcy filing by Orly Genger, pursuant to Rule 9027 of the Federal Rules of Bankruptcy Procedure, the bankruptcy court-appointed Chapter 7 trustee has removed two related cases pending in the New York County Surrogate's Court to this District, so that they can be transferred to the Western District of Texas and litigated in the same forum as the pending bankruptcy proceeding. The first case was removed from the Surrogate's Court yesterday, October 8, 2019.

The two removed Surrogate's Court cases are related to each other because they involve the same parties, and also the same operative facts, as well as overlapping claims. For example, Dalia Genger has brought identical "turnover" claims against debtor Orly Genger in both (now removed) Surrogate's Court actions. Additionally, in the first-filed action, Orly Genger seeks the removal of Dalia Genger as trustee of a trust; once that matter is decided, Dalia Genger will have no standing to pursue any of the affirmative claims in the second-filed action.

Finally, the forthcoming motions to transfer these cases to the Western District of Texas will be highly similar, if not identical, and therefore in the interest of judicial economy these motions to transfer should be decided by the same judge. Ultimately, the merits of these related cases should be decided in connection by the bankruptcy court in the Western District of Texas.

Signature: /s/ Michael Paul Bowen - Date: 10/9/2019 -
Kasowitz Benson Torres LLP, 1633
 Firm: Broadway, NY, NY 10019